

Remarks

Claims 50-68 have been cancelled by this Preliminary Amendment. New claims 69-87 have been added.

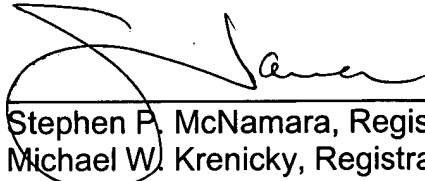
This application is a continuation-in-part of U.S. Patent Application Serial No. 08/999,458 filed December 29, 1997, now U.S. Patent No. 6,287,563, which claimed priority benefit of GB 9513733.7 filed July 5, 1995. PCT/GB/96/01614, filed internationally on July 5, 1996, which designated the U.S., is a related case that also claimed priority benefit of GB 9513733.7. The parent application Serial No. 08/999,458/U.S. Patent No. 6,287,563 discloses coadministration of the agent (e.g. EtxB) with a self or cross-reacting antigen in order to prevent/treat autoimmune disease (See U.S. Patent No. 6,287,563 at Col., 1, lines 58-65). The parent patent also specifies diabetes as one autoimmune disease to be treated by the composition. (Col. 2, lines 51-53). One of ordinary skill in the art knows that insulin is the self antigen for diabetes. Therefore, Applicants respectfully submit that the parent application fully supports the above proposed claims directed at the combination of a self-antigen for diabetes together with EtxB, and also the claims which specify insulin as the antigen for diabetes. Thus, this application is entitled to the earliest applicable priority date, *i.e.* July 5, 1995, the filing date of GB 9513733.7. *Uda* may not be applied as a prior art reference in a rejection as contained in the Office Action, because the present application is entitled to the July 5, 1995 priority date. Reconsideration of the refusal to give credit to the priority date of the application is respectfully requested, together with a withdrawal of the rejection.

Ochi, Amin, and Wooley fail to disclose an effective amount of self-antigen for diabetes and EtxB in a composition. Since the new claims are directed towards an effective amount of self-antigen for diabetes and EtxB, none of the pending claims are anticipated by these references. Reconsideration is urged.

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Serial No. 09/867,914
Preliminary Amendment Accompanying RCE

If there are any questions about this Preliminary Amendment, please call the undersigned attorney.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Stephen P. McNamara", is written over a horizontal line.

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